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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

Administration of the)
North American Numbering Plan)
Carrier Identification Codes (CICs))
)

CC Docket No. 92-237

REPLY

BellSouth Corporation, by counsel, pursuant to 47 C.F.R. §§ 1.4(h), 1.4(j) and 1.429(g), files its reply to the comments and opposition filed on or before December 29, 1997 in response to BellSouth's Petition for Clarification that local exchange carriers (LECs) may, consistent with the orders issued in this proceeding, implement phased blocking of 3-digit carrier identification codes (CICs) beginning July 1, 1998.

I. THE COMMISSION INTENDED THAT THE PERMISSIVE DIALING PERIOD EXTEND FOR A FULL SIX MONTHS UNTIL JUNE 30, 1998.

Each party commenting on the issue agrees that it was the Commission's intent that the transition period during which 3- or 4-digit CICs may be utilized be extended a full six months, up to and including June 30, 1998. *Comments of the Telecommunications Resellers Association to Petitions for Clarification and Reconsideration*, n.2 (expressing no view on the assertion that blocking 3-digit CICs will require a two month implementation period); *Comments of MCI Telecommunications Corporation in Support of BellSouth's Petition for Clarification*, p. 3 (the Commission extended the period during which 3- and 4-digit CICs may be used until June 30, 1998, and LECs must continue to accept 3-digit CICs until that time); *Opposition of AT&T Corp.*, pp. 1-2 (the transition period during which both three-digit and four digit CICs would be

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recognized will end on June 30, 1998); *Comments of SBC Companies*, p. 2; *Comments of U S WEST, INC.*, pp. 1-2.

II. THERE IS A NEED FOR CLARIFICATION THAT LECS MAY BEGIN BLOCKING 3-DIGIT CICs ON JULY 1, 1998.

BellSouth would like to agree with U S WEST that a clarification of the Commission's *CIC Reconsideration Order*¹ is not necessary to allow for the phased implementation process described by BellSouth in its Petition. *U S WEST Comments* at 2. Unfortunately, quoting the same provisions of the *CIC Reconsideration Order* as U S WEST, AT&T opposes BellSouth's petition on the grounds that no three-digit CIC call may complete after June 30, 1998 without violating the Commission's orders. *AT&T Opposition* at 2-3. Thus, BellSouth urges the Commission to clarify in plain language that a LEC's phased implementation of 3-digit CIC blocking beginning July 1, 1998 is the only practicable way of accommodating the additional six-month permissive dialing period and is therefore consistent with the *CIC Reconsideration Order*.

AT&T asserts that "if BellSouth needs two months to fully comply with the June 30 cutover date, then it should commence its efforts May 1." *AT&T Opposition* at 3. As MCI already demonstrated in comments filed on December 4, 1997 in support of BellSouth's petition, such an interpretation would force BellSouth and other LECs to begin "blocking 3-digit CICs prior to June 30 in violation of the Commission's Reconsideration Order."

This will result in thousands of consumers being denied the benefits of using 3-digit CICs for two months, thus rendering meaningless the Commission's

¹ Administration of the North American Numbering Plan Carrier Identification Codes (CICs), CC Docket No. 92-237, *Order on Reconsideration, Order on Application for Review, And Second Further Notice of Proposed Rulemaking and Order* (October 22, 1997) ("*CIC Reconsideration Order*").

extension for this two month period. Additionally, IXC's such as MCI would be denied the full promise of the additional time ordered by the Commission to reconfigure their networks and notify their customers of the new dialing pattern.

If BellSouth is not allowed to phase implementation beginning on July 1, the effect will be partial nullification of the extended transition period for thousands of consumers and IXC's in BellSouth's territory.

MCI Comments at 3. As U S WEST explains, the phased-in blocking of three-digit CICs is of little regulatory, market, or industry consequence, because by "July 1, 1998, individuals will be dialing four-digit CICs because they will have been previously advised that such dialing would be required after June 30, 1998." *U S WEST Comments* at 2-3.²

AT&T offers no legal, economic, or policy justification for its literalistic interpretation of the Commission's extended requirements that would result in piecemeal erosion of the Commission's extended permissive dialing period, other than a suggestion that to do so would "lessen any negative effects of the disparity that may arise during the transition." *AT&T Opposition* at 3-4. However, the Commission in its *Second Report and Order* already determined that the seven-digit/five-digit CAC dialing disparity that will occur during transition does not violate the Communications Act's prohibitions against unreasonable practices or unreasonable discrimination, nor does it violate the dialing parity provision of the Telecommunications Act of 1996, which "simply does not reach the issue of access codes of different lengths."³ The Commission further found that a "flash-cut conversion to four digit

² Although BellSouth agrees that, based on uniform customer notification efforts, the vast majority of callers will be using 4-digit CICs, it is reasonable to expect some inadvertent 3-digit CIC dialing to occur after the end of the permissive dialing period. Within two months, however, all 3-digit CIC calls will be blocked.

³ Administration of the North American Numbering Plan Carrier Identification Codes (CICs), CC Docket No. 92-237, *Second Report and Order* 12 FCC Rcd 8024, 8045 (April 11, 1997) at ¶ 34.

CICs would be contrary to the public interest.” *Second Report and Order*, ¶¶ 32, 34; *see TRA Comments* at 5-6. There is simply no record of any “negative effects” to “lessen,” and even if there were, they would certainly be outweighed by the confusion that would result if the permissive dialing period were to end prematurely on a haphazard, arbitrary, and piecemeal basis. *MCI Comments* at 3.

The Commission stated unequivocally its decision to end the transition to 4-digit CICs “as soon as practicable.” *Second Report and Order*, ¶¶ 32, 33. Requiring phased blocking of 3-digit CICs before the end of the permissive dialing/transition period is simply not practicable. It will end permissive dialing prematurely in scattered parts of the country. It will cause havoc with orderly customer notification efforts and create confusion among the dialing public by causing a patchwork of switch-specific mandatory 4-digit CIC dialing dates throughout the country. Having advanced no good reason as to why such a result would be in the public interest, and in light of the earlier filed comments to the contrary of MCI which AT&T chose not to address, let alone refute, one wonders whether AT&T has filed simply for the sake of opposing a Bell operating company’s petition for clarification, however salutary that petition might be. The record is clear that the only “practicable way” to accommodate the full six month permissive dialing period is to permit phased blocking of 3-digit CICs beginning July 1, 1998. *Comments of MCI, SBC, and U S WEST, passim.*

III. THE COMMISSION SHOULD GRANT BELL SOUTH’S PETITION UNCONDITIONALLY.

Although MCI advances sound policy reasons favoring the Commission’s grant of BellSouth’s request for clarification, it also requests that the Commission condition any such

clarification on the establishment of numerous unnecessary new and burdensome disclosure requirements. *MCI Comments* at 4-5. MCI filed its comments early on December 4, 1997, and that same day served every participant in this docket with a copy of its proposal, including IXCs, their trade associations, and counsel. Despite having at least three weeks to consider MCI's proposal, no party filed comments on December 29 supporting this extra-regulatory requirement or independently suggesting a similar requirement. This may very well be because, as U S WEST explains, MCI presents no compelling evidence to support its requested mandate. *U S WEST Comments* at 4.

MCI states that industry coordination efforts are already underway, and "industry participants meet regularly to discuss the many details associated with accomplishing a smooth and orderly transition to 4-digit CIC dialing, with as little customer confusion as possible." *MCI Comments* at 4. MCI offers no evidence as to why this process, along with the Commission's customer notification requirements and the scheduled end of the permissive dialing period on June 30, 1998, needs to be supplemented by a series of internal LEC engineering disclosures. Although MCI states that the disclosures would "encourage the coordinated conversion from 3- to 4-digit dialing that is contemplated by the Commission's CIC Reconsideration Order," *MCI Comments* at 5, such coordinated conversion is, by MCI's own admission, already taking place on a regular basis within the industry.

Moreover, by June 30, 1998, MCI and all other interexchange carriers (IXCs) making commercial use of CIC codes are required to notify their customers that only 4-digit CICs may be dialed. Thus, the information MCI seeks would be of no value to IXCs because their customers are not supposed to dial 3-digit CICs after June 30, and IXCs will most certainly not

be promoting or advocating the use of 3-digit CICs after that date. In any event, the completion of inadvertently dialed 3-digit CICs after June 30 will be arbitrary, limited and temporary until 3-digit blocking is fully implemented on a phased schedule in all switches.

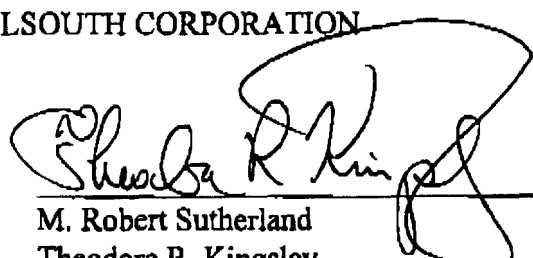
CONCLUSION

AT&T presents no reason to shorten the permissive dialing period on an arbitrary, ad hoc basis in order to accommodate engineering requirements of phased 3-digit CIC blocking in LEC end offices. MCI presents no reason to burden LECs with unnecessary post-permissive dialing period disclosure requirements. There is unanimous support in the record that the Commission intended a full six month extended permissive dialing period, and the phased blocking of 3-digit CICs by LECs beginning July 1, 1998, is the only practicable method of assuring carriers and their customers the full use of the transition period.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that I have this 13th day of January, 1998, served all parties to this action with a copy of the foregoing **REPLY** by placing a true and correct copy of same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.

Denise W. Jewell

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